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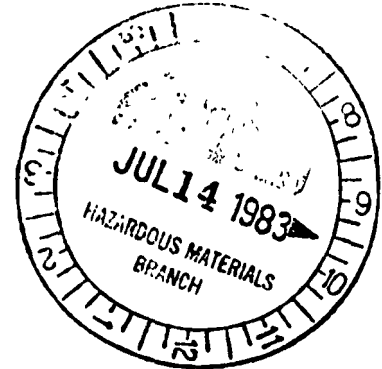
STATE OF ARKANSAS
DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY
8001 NATIONAL DRIVE, P.O. BOX 9583
LITTLE ROCK ARKANSAS 72209

PHONE: (501) 562-7444

AR 0710

July 12, 1983

Mr. Dan Johansen
U.S. Environmental Protection Agency
Region VI
InterFirst Two Building
1201 Elm Street
Dallas, Texas 75270



Re: In the Matter of
Pine Bluff Arsenal
EPA I.D.# ARD213820707

Dear Dan:

Enclosed herewith, please find a copy of the draft Consent Administrative Order proposed in the matter above-referenced. Representatives of the Arsenal are meeting with us on July 13, 1983, to discuss the draft.

Yours truly,

Phillip Deisch
Chief Counsel
Legal Section

PD:mlw

Enclosure

THE ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY

DRAFT

IN THE MATTER OF
PINE BLUFF ARSENAL
PINE BLUFF, ARKANSAS
EPA I.D. #ARD213820707

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CONSENT ADMINISTRATIVE ORDER

This Consent Administrative Order is issued by the Arkansas Department of Pollution Control and Ecology under the authority vested in this Department by Ark. Stats. Ann. 582-4208, 82-4204(m); 82-1906(i)(c); 82-1904(6); 82-1935(k); and 82-1935(o).

The issues in the matter above-referenced having been settled by the agreement of Pine Bluff Arsenal ("PBA") and the Director of the Arkansas Department of Pollution Control and Ecology ("ADPC&E"), it is hereby agreed and stipulated that the following Findings of Fact and Order and Agreement shall be entered herein:

FINDINGS OF FACT

1. PBA is a federal facility located in Jefferson County, Arkansas.
2. A number of separate sites on the PBA grounds have been identified as sites which are in need of certain remedial actions in order to achieve compliance with the various laws and regulations administered by the ADPC&E. The following paragraphs identify the noncompliant sites with respect to each separate statutory and regulatory program.

3. Hazardous waste management activity, i.e. the treatment, storage, or disposal of hazardous wastes, has been conducted subsequent to November 19, 1980, without compliance with the Arkansas Hazardous Waste Management Act and the interim status standards of 40 CFR 265, as adopted by reference in Section 3 of the Arkansas Hazardous Waste Management Code at the following sites: 7a Toxic Storage Yard; 20a-d South Burning Pit and Storage Area; 10 Depot Burning and Demolition Area (Bombing Site); 40 Incinerator Complex.

~~DELETED~~ 4. The waters of this State are threatened with pollution as prohibited by the Arkansas Water and Air Pollution Control Act (Ark. Stat. §82-1908(i)) at or from the following sites:

- (a) 17 Product Assurance Test Range and Dump Site - used for the testing of smoke grenades and the disposal of refuse materials, such as expended smoke grenades and pyrotechnic devices. All runoff from the dump site is collected by Yellow Lake.
- (b) 7a Toxic Storage Yard - used to store hazardous materials and wastes. Several erosional gullies exist along the southern boundary of this site. There is a local spring which flows south into the TSY borrow pits which eventually flows to the Arkansas River.

- (c) 7b Lewisite Disposal Site - an abandoned 5-acre impoundment with two broken dams. Sludge from this site has begun to migrate downstream along Phillips Creek.
- (d) 7c Mustard Burn Yard - used as a burn yard for old mustard agents. A tributary of Phillips Creek flows through this site.
- (e) 7d TSY Borrow Pits - two abandoned borrow trenches filled with water.
- (f) 11a through 11c Sediment Retention Basins - used to capture runoff and DDT contaminated sediment from an old DDT manufacturing facility. Groundwater is ± 10 feet below the surface.
- (g) 11d DDT Storage in Basement of Bldg. 54-270 - a storage site for contaminated soils from an old DDT manufacturing facility in the basement of a partially demolished building and has a 2-foot clay cover. Groundwater is ± 10 feet below the surface.
- (h) 11e DDT Storage in Basement of Bldg. 54-325 - a storage site for the contaminated soils from an old DDT manufacturing facility in the basement of a demolished building and has a 2-foot clay cover. Groundwater is ± 10 feet below the surface.

- (i) 11f DDT Waste Stockpile/Landfill - a landfill area used for the disposal of DDT contaminated soils from an old DDT manufacturing facility and dredge spoil from the three sediment retention basins. Groundwater is ± 10 feet below the surface.
- (j) 12 Abandoned Mustard Burning Pits, Southwest of Arkansas River and East, Southeast of Bombing Mat - an abandoned open dump and burn site for mustard munitions. This site is located southwest of the Arkansas River.
- (k) 20a Depot's South Burning Pit and Storage Area - an old burn and dump site for contaminated explosive materials and drummed miscellaneous waste. This site is bounded on the north by a swamp which collects the runoff.
- (l) 20b White Phosphorus Slag Burn Pit - an abandoned pit used for the disposal of white phosphorus. Due to the local topography, drainage through the site is inevitable. Ponded water was evident near the base of the dump area and a large slough began just down gradient.
- (m) 23a White Smoke (Hc) Test Pond and Dump Site - an unlined pond used for testing white smoke grenades and smoke pots. The potential for groundwater contamination exists at this site.

- (n) 24 Thermite Waste Disposal Site - an active four-acre disposal site for thermite waste from the drop test and tower and lead oxide waste from the bomb washout facility. Streams border this site.
- (o) 26 Quality Assurance Drop Test Tower - a concrete lined basin used to test fire all types of smoke and thermite grenades. Groundwater contamination is a slight possibility. Surface runoff may be a more likely path of contamination.
- (p) 27 Agent BZ Pond - an unlined impoundment which received the following wastes: Agent BZ, impregnite, thermite and lead oxide. The treated pond water was piped into an intermittent stream just north of the pond. Groundwater contamination is possible at this site.
- (q) 31 Product Assurance Test Site (Goat Shed) and Grenade Test Basin - an abandoned smoke grenade test site. Erosional patterns and surface drainage are prevalent onsite.
- (r) 38 Impregnite Sludge Lagoon - which received an impregnite and chloroethylene solvent stripper sludge after alum and lime flocculation treatment. The potential for groundwater contamination exists at this site.

5. The treatment, storage or disposal of wastes may present an imminent and substantial hazard to the environment constituting a need for immediate action to protect the environment within the meaning of Ark. Stat Ann. K82-4208 at the following sites: 7a Toxic Storage Yard; 20a-d South Burning Pit and Storage Area; 10 Depot Burning and Demolition Area/Bombing Mat; 40 Incinerator Complex; 7b Lewisite Disposal Area; 7c Mustard Burn Yard; 17 Product Assurance Test Range and Dump Site.

6. The following sites constitute sources of air emissions from open burning subject to and not in compliance with the Arkansas Water and Air Pollution Control Act and regulations promulgated thereunder: 10 Depot Burning and Demolition Area; 17 Product Assurance Test Range and Dump Site; 31 Product Assurance Test Site and Grenade Basin.

Additionally, the following sites may constitute sources of air emissions not in compliance with the Act and regulations: 23a White Smoke (Hc); 26 Drop Test Area; 40 Incinerator Complex; 43 WP Pollution Abatement Plant.

7. Sites on which solid wastes have been disposed without compliance with the requirements of the Arkansas Solid Waste Management Act and the Arkansas Solid Waste Disposal Code are: 18b Engineering Rubble Pile; and undesignated wood burial area immediately adjacent to Site 20a-d.

ORDER AND AGREEMENT

The parties do hereby consent and agree that:

1. Pine Bluff Arsenal shall cease all open burning of hazardous wastes until the Part A application is amended and approved by ADPC&E to include open burning and air permits are obtained from ADPC&E for such sites. PBA shall limit open burning of any materials to essential processes until such time as air permits have been obtained and shall submit application for permits for all sources of emissions within 120 days of the date hereof.

2. With reference to the sites hereinabove designated in paragraph (5) of the Findings of Fact as sites which may constitute imminent hazards, PBA shall within 90 days submit to ADPC&E a written proposal and a time schedule for a plan to evaluate the depth and extent of contamination at and from such sites; to immediately act to contain the movement of contaminants from such sites; and to perform final remedial action (e.g. removal or other closure, or achieving permitted status). Among the items the plan shall address are:

- Testing of soil in the incinerator complex area for contamination.
- Surface water runoff control at the incinerator complex.
- Inventory of all hazardous materials stored at the Toxic Storage Yard (type of material, amount, and condition).
- Immediate containment of materials and soils contaminated with hazardous wastes at the Toxic Storage Yard and monitoring of soils and water.
- Containerization/neutralization/disposal of wastes at the Toxic Storage Yard.
- Testing of soils and water for contamination in and around sites 20a-d.

3. With reference to the sites hereinabove designated in paragraph (3) of the Findings of Fact, hazardous waste treatment, storage, or disposal sites subject to but not in compliance with the Arkansas Hazardous Waste Management Act and Code, PBA shall:

- (a) Within 60 days submit an amended Part A application listing said sites as hazardous waste sites with all appropriate information (e.g. activity, description, volumes, and waste streams) provided.
- (b) Within 90 days: (1) develop a written inspection schedule for each hazardous waste site in accordance with 40 CFR 265.15; (2) document weekly inspections of each container of stored hazardous waste pursuant to 40 CFR 265.174 and 265.15; (3) develop an inspection log for each facility in accordance with 40 CFR 265.15; (4) initiate the written operating record for each facility pursuant to 40 CFR 265.73; (5) develop a written waste analysis plan for each site in accordance with 40 CFR 265.13; and submit documentation of such to ADPC&E for review.
- (c) Within 120 days: Notify ADPC&E of which hazardous waste management sites PBA will elect to maintain as active sites and seek a Part B permit and those sites for which PBA elects to close out.

(d) For those sites for which a closure option is elected, PBA shall within 150 days of the date hereof:

- (1) Submit a closure and post-closure plan in conformity with the requirements of 40 CFR Subpart G for review by ADPC&E.
- (2) Initiate closure operations within 90 days of receipt of approval of the closure/post-closure plan by ADPC&E.
- (3) If the closure/post-closure plan will involve the disposal of hazardous wastes onsite, the groundwater monitoring requirements of 40 CFR 265.90 shall be fully implemented and in no case later than 180 days from the date hereof.
- (4) Submit certifications of closure to ADPC&E within six (6) months of receipt of approval of the closure/post-closure plan.

(e) For those sites for which a hazardous waste management facility operating permit is elected, PBA shall:

- (1) Within 150 days of the date hereof implement the groundwater monitoring program required by 40 CFR 265.90.

(2) Within 180 days of the date hereof develop closure and post-closure plans pursuant to 40 CFR Subpart G.

(3) Within 270 days of the date hereof submit a complete Part B application in compliance with all applicable laws and regulations.

DELETE 4. Within 210 days of the date hereof, PBA shall submit a plan with time schedule for containing all sources of water contamination hereinabove identified in paragraph (4) of the Findings of Fact and shall implement said plan upon approval from ADPC&E.

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5. All activities hereunder shall be complete and all sites identified herein in compliance with the requirements of this Order no later than three (3) years from the date hereof.

6. PBA consents and agrees to pay ADPC&E civil penalties as authorized by Ark. Stat. §82-4213(b), for failure to meet any of the deadlines set forth above according to the following schedule:

- (a) First day to the tenth day: \$500.00 per day.
- (b) Eleventh day to twentieth day: \$750.00 per day.
- (c) Twenty-first day to the thirtieth day: \$1000.00 per day.
- (d) Each day beyond the thirtieth day: \$2500.00 per day.

Any such penalties shall be due and payable upon demand by ADPC&E.

7. If any event occurs which causes or may cause delays in the achievement of compliance by PBA with the requirements of this Administrative Order, PBA shall notify ADPC&E in writing, as soon as reasonably possible after it is apparent that delay will result, describing in detail the anticipated length of delay, the precise cause of the delay, and the measures being taken to minimize the delay.

8. The Department may grant an extension of any provision of this Administrative Order, provided sufficient cause therefor has been shown. Failure to notify the Department promptly as provided in paragraph (32) may be grounds for denying an extension.

SO ORDERED this _____ day of _____, 1983.

Director

Approved and Agreed:

PINE BLUFF SENAL

BY _____

ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY

BY _____